

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE:) CASE NO: 08-41605
Rickey D. Atterberry)
SS# xxx-xx-2629) CHAPTER 13
)
Debtor.)

DEBTOR'S REBUTTAL OF PRESUMPTION OF ABUSE

1. During the six months prior to filing this case (September, 2007 through February, 2008), Debtor received payments from his employer, Bodine Aluminum, in a total sum of \$47,565.42. A printout from Bodine Aluminum showing all payments to Debtor during the six month period has been provided to the trustee.

2. Included in these payments were the following one time payments which constituted reimbursement for moving expenses relating to debtor's job transfer from Missouri to Kentucky effective January 1, 2008, itemized as follows:

10/23/07	\$1817.02	Pre-move travel expenses in connection with looking for an apartment to rent, etc.
11/27/07	\$3,810.52	Partial buyout of Debtor's residence lease at 300 Marble St., Troy, Missouri
12/12/07	\$2,925	Remainder of buyout of Debtor's residence lease at 300 Marble St., Troy, Missouri
12/20/07	\$3,384.60	Money for moving company
1/4/08	\$1,430	and
2/8/08	\$100	Reimbursement for expenses of traveling from Kentucky back to Missouri, round trip, for final move-

related matters

3. Total move-related payments and reimbursements were \$13,467.14, or \$2,245 per month average over the six month period.
4. Debtor has added an additional expense claim of \$2,234 per month to his Form B22C, because these payments from Debtor's employer were made under special circumstances, and will not be repeated under any foreseeable circumstances during the next 5 years.
5. Debtor's employment related move was mandated by his employer. Moreover, Debtor received a pay increase as a result of the move. Therefore, the move was in Debtor's best interests and those of his creditors.
6. The additional expenses itemized herein should be allowed as additional deductions from current monthly income under Sec. 707(b)(2)(A)(ii).

THE ALLSBERRY LAW FIRM

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Counsel certifies that a copy of the above and foregoing pleading was sent electronically and/or mailed by U.S. First Class Mail on 3-11-08, to:

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